

1 A Special Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200
2 South, Nibley, Utah, on Thursday, November 17, 2022.

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4 The following actions were made during the meeting:

5
6 **Councilmember Beus moved to approve that Nibley Mayor Larry Jacobsen can enter**
7 **Nibley City into an Interlocal Cooperation Agreement Between Cache County and**
8 **Participating Municipalities of Cache County for Creation of an Interlocal Entity for**
9 **County and Municipal Solid Waste Disposal. Councilmember Bernhardt seconded the**
10 **motion.**

11
12 **Voting on the motion was as follows:**

13 **Councilmember Bernhardt voted in favor.**

14 **Councilmember Beus voted, yes.**

15 **Councilmember Larsen voted in favor.**

16 **Councilmember Laursen voted, yes.**

17 **Councilmember Sweeten voted, yes.**
18

19 **The motion passed 5-0; with Councilmember Beus, Councilmember Bernhardt,**
20 **Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in**
21 **favor.**

22
23
24 **OFFICIAL MINUTES OF THE MEETING**
25 City Recorder Cheryl Bodily took minutes
26

27 **Call to Order and Roll Call**

28 Mayor Larry Jacobsen called the Thursday, November 17, 2022, Nibley City Council
29 meeting to order at 7:04 p.m. Those in attendance included Mayor Larry Jacobsen,
30 Councilmember Kathryn Beus, Councilmember Tom Bernhardt, Councilmember Norman
31 Larsen, Councilmember Nathan Laursen, and Councilmember Kay Sweeten. Justin
32 Maughan, Nibley City Manager was also present.
33

34 **Approval of the Current Agenda**

35 Mayor Jacobsen requested approval of the agenda with the times as listed. General
36 consent was given for approval of the evening's agenda.
37

38 **Public Comment Period**

39 Mayor Jacobsen gave direction to the public present and opened the Public Comment
40 Period at 7:06 p.m.
41

42 Seeing no public comments, Mayor Jacobsen closed the Public Comment Period at 7:06
43 p.m.
44

1 **7:00 pm: Discussion & Consideration: An Interlocal Cooperation Agreement Between**
2 **Cache County and Participating Municipalities of Cache County for Creation of an**
3 **Interlocal Entity for County and Municipal Solid Waste Disposal**

4 City Council members were given draft copies of the interlocal agreement for the Cache
5 Waste Consortium. Councilmember Beus asked Mayor Jacobsen for the timeframe of
6 when the agreement needed to be decided. Mayor Jacobsen described that Lyndsay
7 Peterson, North Logan's mayor hoped to have the requests for proposals (RFP) out to
8 third parties in the week. Councilmember Beus clarified which cities were included in
9 the interlocal agreement. Mayor Jacobsen described why the request for approval of
10 the agreement had happened so quickly. The consortium intended to put a
11 noncooperative clause in the RFP with cities that had decided to not be a part of the
12 consortium. The CWC leaders wanted to get this done and move on. Mayor Jacobsen
13 read from his background information posted to the public notice for the meeting.

14
15 *"First, the desire by key CWC leaders to get this thing done and move on. Second,*
16 *the desire to issue an official RFP that is close in time to the unofficial proposals*
17 *already received by the pre-CWC entities. Finally, to get in front of RFPs that*
18 *might be issued by non-CWC entities. The CWC intends to put a non-cooperate*
19 *clause in the official RFP that will not allow bidders to contract with non-CWC*
20 *entities in Cache County. This may seem harsh, and perhaps it is. I believe the*
21 *worthwhile motivation is to help maintain the economy of scale in the CWC to*
22 *achieve reasonable costs."*
23

24 Mayor Jacobsen reported that the last draft of the CWC agreement was put together by
25 the proposed consortium's entity Mayors. He described that Ms. Peterson had put in
26 the withdrawal terms that were seen under section 12 of the agreement, which meant
27 Nibley was either in it or they weren't, and they were in the CWC for at least the next
28 five years. Mayor Jacobsen said he didn't like this procedurally. Nibley City's Attorney
29 had asked for different withdrawal procedures this but the executive committee had said
30 "nope." Nibley's choice was to join or not join. Mayor Jacobsen said they could pass an
31 amended version of the agreement, which he felt would essentially mean they were
32 out. Mayor Jacobsen described the risks associated with joining the consortium. They
33 were entering in an agreement without knowing the final number. Mayor Jacobsen said
34 the unofficial bids were competitive and they could get this done and pay less than they
35 had been paying Logan. The second risk was not knowing the fees to take trash to the
36 Logan landfill. However, Casey Sneider had pushed through legislation that had forced
37 Logan to offer competitive rates for landfill dumping. Logan had written an MOU with a
38 rate setting committee with prorated representation throughout the county and Logan
39 had "come to the table" so Representative Sneider intended to remove the onerous
40 legislation. Mayor Jacobsen reported that Logan's landfill was not in Logan's city limits
41 and operated under conditional use in Cache County. They would have to resubmit for
42 conditional use and the County had the upper hand on renegotiating the conditional use
43 permit.
44

1 Councilmember Beus asked if any of the parties had adopted the agreement yet. Mayor
2 Jacobsen didn't feel anyone had yet. Councilmember Beus summed they could either go
3 with the consortium, which involved hauling waste for all participating entities and
4 unincorporated areas as listed or trying to do this on their own without getting an RFP
5 for any of the vendors that would be doing the hauling for the consortium. Mr.
6 Maughan clarified that the non-cooperative provision it would only be will the winning
7 bid. Mr. Maughan said if they were not in the consortium, they did not have a seat at
8 the rate setting committee.

10 Councilmember Beus and Mayor Jacobsen discussed subsidizing outlying County
11 communities, lack of density and economies of scale, the terms of five-years
12 involvement with the consortium and debated the pros and cons of not incurring debt
13 or assets for five years. They discussed if they were interested in acquiring waste
14 removal assets. Mayor Jacobsen described Nibley City' representation on the executive
15 committee if Nibley joined the CWC (Stephanie Miller, Hyrum Mayor). Councilmember
16 Laursen asked for more information regarding the memorandum of understanding with
17 Logan. Mayor Jacobsen and Councilmember Laursen debated the terms in number of
18 years of the interlocal agreement.

20 *Councilmember Beus moved to approve that Nibley Mayor Larry Jacobsen can enter*
21 *Nibley City into an Interlocal Cooperation Agreement Between Cache County and*
22 *Participating Municipalities of Cache County for Creation of an Interlocal Entity for*
23 *County and Municipal Solid Waste Disposal. Councilmember Bernhardt seconded the*
24 *motion.*

26 Councilmember Laursen asked if Nibley's Attorney had seen the agreement. Mayor
27 Jacobsen said he had reviewed the current draft. This is where the withdrawal provision
28 discussion had taken place and been defeated. Mayor Jacobsen said he thought they
29 would be okay and the CWC was a way to get it done.

31 *Voting on the motion was as follows:*
32 *Councilmember Bernhardt voted in favor.*
33 *Councilmember Beus voted, yes.*
34 *Councilmember Larsen voted in favor.*
35 *Councilmember Laursen voted, yes.*
36 *Councilmember Sweeten voted, yes.*

38 *The motion passed 5-0; with Councilmember Beus, Councilmember Bernhardt,*
39 *Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in*
40 *favor.*

42 The meeting was adjourned at 7:56 p.m.

44 Attest: _____

Draft Minutes